

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ERIC BAKER,  
Plaintiff,

v.

FRANK SACKOSKY, *et al.*,  
Defendants.

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CIVIL ACTION NO. 18-CV-4313

FILED  
OCT 15 2018

KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

**ORDER**

AND NOW, this 15<sup>th</sup> day of October, 2018, upon consideration of Plaintiff Eric Baker's Motion to Proceed *In Forma Pauperis* (ECF No. 1) and his *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED**.
2. Plaintiff Eric Baker, #NH-8703 shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Baker, an initial partial filing fee of \$38.18 is assessed. The Superintendent or other appropriate official at the State Correctional Institution at Houtzdale or at any other prison at which Baker may be incarcerated is directed to deduct \$38.18 from Baker's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 18-4313. In each succeeding month when the amount in Baker's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Baker's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 18-4313.
3. The Clerk of Court is **DIRECTED** to send a copy of this order to the Superintendent

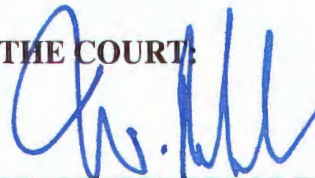
of the State Correctional Institution at Houtzdale.

4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons stated in the Court's Memorandum. Baker may not file an amended complaint in this case. However, his claims are dismissed without prejudice to him filing a new civil action in the event his convictions are ever overturned or otherwise called into question.

6. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "W. Beetlestone", is written over a horizontal line.

WENDY BEETLESTONE, J.